

# BORRELLI & ASSOCIATES

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February 1, 2021

Via ECF

The Honorable Steven Tiscione  
United States Magistrate Judge for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Nolan v. City of New York et al., Case No. 19-cv-00187-RPK-ST

Dear Judge Tiscione:

As Your Honor is aware, this office represents Plaintiff William R. Nolan in the above-referenced action brought against Defendants, the City of New York and various individuals, for alleged violations of Plaintiff's First, Second, and Fourth Amendment rights under the Constitution of the United States, via-a-vis the Fourteenth Amendment and 42 U.S.C. § 1983. Pursuant to the Court's Minute Order dated December 30, 2020, we write now - - with opposing counsel's consent - - to update the Court on the status of proceedings.

Since the parties' last status report dated December 30, 2020 (ECF 35), Plaintiff's criminal prosecution stemming from his arrests on December 20, 2018, and January 14, 2020, remains ongoing, although the charges at issue have been substantially narrowed. Specifically, on January 8, 2021, the criminal court partially granted Mr. Nolan's motion to dismiss on consent from the prosecutor and dismissed all felony charges against Plaintiff arising out of Plaintiff's December 20, 2018 arrest.<sup>1</sup> Thus, the only charges remaining from the 2018 arrest are misdemeanors - - for Plaintiff's alleged possession of two stun guns, resisting arrest, and obstruction of governmental administration. Mr. Nolan has moved to dismiss those charges as well and is awaiting the criminal court's decision. The conference scheduled in criminal court last Friday was adjourned to March


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<sup>1</sup> Also since the parties' last status report, due to COVID-19 Plaintiff continues to look into an alternative address to serve the subpoena on the Fraternal Order of Police that the Court authorized on August 14, 2020. Plaintiff is also still awaiting the DMV's substantive response.

2, 2021, at which Plaintiff anticipates the parties will discuss any outstanding issues, including whether the court intends to dismiss the misdemeanor charges.<sup>2</sup>

We thank the Court for its attention to this matter.

Respectfully submitted,

  
Caitlin Duffy, Esq.  
*For the Firm*

To: All counsel of record (*via ECF*)

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<sup>2</sup> The parties' respective positions on the stay remain the same as stated in our prior status reports.